

BUILDING STRONG NEIGHBORHOODS COMMITTEE

Executive Summary
March 21, 2005

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The meeting was convened at 1:34 p.m.

a. Semi-annual Airport Neighborhood Services Group (ANSG) Report (Airport)

Upon motion by Councilmember Pyle, seconded by Councilmember Campos the Committee accepted the staff report.

b. Anti-Graffiti & Litter Program Update (Parks, Recreation and Neighborhood Services)

Upon motion by Councilmember Campos, seconded by Councilmember Pyle the Committee accepted the staff report.

c. Parkland Dedication Ordinance and Park Impact Ordinance Follow-up Discussion (Parks, Recreation and Neighborhood Services)

The Committee accepted the staff report.

d. Discussion on Allowing Secondary Units in Neighborhoods (Housing)

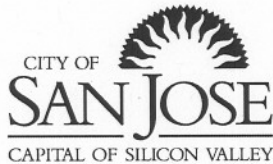
The Committee accepted the staff report.

e. Oral Petitions

None.

f. Adjournment

The meeting was adjourned at 3:06 p.m.



BUILDING STRONG NEIGHBORHOODS COMMITTEE

Meeting Report
March 21, 2005

PRESENT: Chair Judy Chirco, Councilmember Nora Campos, Councilmember Nancy Pyle

STAFF: Jim Holgersson, City Manager's Office; Frank Kirkbride, Acting Director and Jim Peterson, Airport; Rick Stanton, Scott Reese and Dave Mitchell, Parks, Recreation and Neighborhood Services; Leslye Corsiglia, Director, Housing; Avo Makdessian, Mayor's Office; Norm Sato, City Attorney's Office

The meeting was convened at 1:34 p.m.

a. Semi-annual Airport Neighborhood Service Group (ANSG) Report (Airport)

Frank Kirkbride, Acting Director of Aviation introduced Jim Peterson and updated the Committee on the Airport Ombudsman position that has been vacant for over a year. Staff is in the process of putting together a selection committee to make the final candidate selection. Mr. Kirkbride stated, in regards to the Noise Curfew Program effective April 2, that there is a scheduled airline (America West) that will begin arriving at 1:40 a.m. It is an aircraft that meets the curfew requirements but it is the first time since the new Noise Curfew Program was implemented that a scheduled airline will be arriving in the early hours of the morning.

Councilmember Campos asked if the Check Point Mailer is being utilized frequently. Mr. Peterson clarified that the Check Point Mailer is a vendor who supplies kiosks outside the checkpoint entrance prior to the boarding area. These mailers can be used for items taken from passenger's belongings that are not allowed to go through the checkpoint. Customers then have the ability to mail it back to themselves. The volume of comments and complaints have gone down.

Councilmember Pyle asked what the reaction has been from the airlines in reference to the change of the shared used gates. Mr. Kirkbride responded that, in general, reception by the airlines has not been very good. The reason is that currently the airport is under the airline use and operating agreement that allows them to lease the gates under a shared used/management system whereby the airport bills them on a transactional basis. This is a change for the airlines and they are accustomed to long-term agreements under a lease arrangement.

Chair Chirco asked if there has been any outreach to the neighborhoods to make them aware of the new early arrival airline, informing them that this flight fits within the guidelines, and what to expect. Mr. Peterson replied that a council memo has been

distributed to inform the Mayor and City Council. Staff will be working with the neighborhood service groups, networking with the liaisons of the community and will be notifying and educating the neighborhoods as the time frame gets closer.

Upon motion by Councilmember Pyle, seconded by Councilmember Campos the Committee accepted the staff report.

b. Anti-Graffiti & Litter Program Update (Parks, Recreation and Neighborhood Services)

Rick Stanton shared highlights of the Graffiti Program with the Committee. Staff has been able to remove 98% of the hotline graffiti calls within 48 hours; and 99% of the gang graffiti within 24 hours. The program receives various calls and visits from other cities and countries interested in learning more about successful anti-graffiti programs. Mr. Stanton added that Keep California Beautiful awarded the Anti-Graffiti Program with two first place awards for Graffiti/Litter Prevention and for Beautification and Community Improvement. Mr. Stanton said the Department of Motor Vehicles has given the program the ability to get the addresses of license plates on vehicles for people who are seen throwing litter out of vehicles. Staff will send them an educational warning letter. Mr. Stanton added that the Fourth Annual Great American Pick Up would be held on April 23, 2005.

Councilmember Campos extended her appreciation to Mr. Stanton and his staff on moving quickly to get the friendly letter out to people that have been identified as throwing litter from vehicles. She asked staff to report back to the Committee once this new anti-litter letter method has been in effect for a while. She asked how the litter escaping citations method is working. Mr. Stanton stated that 123 citations have been issued to trucks or to people littering. Staff will be sending a request to council to increase the fine for not having trucks tarped from \$25.00 to \$271.00. Mr. Stanton added that increasing the fine might have a stronger impact in persuading drivers to tarp the load. Councilmember Pyle added that litter that escapes includes small stones that can hit windshields; and that encouraging these trucks to tarp their load is great.

Chair Chirco asked about the status of the coordination with CalTrans regarding the freeway litter, especially the on and off ramps. Mr. Stanton said CalTrans has gone through their records regarding the Adopt-A-Highway volunteers. In review they found that many of the contracts had expired. CalTrans has renewed several contracts in the process of training and is hoping this will rejuvenate a lot of the freeway litter pickup that has not been happening. PRNS staff is applying for a grant and asked if litter pick up work could be done on state highways with these funds, but were told the grant had to be used within the City and not on freeways. Staff does keep looking for ways to assist with freeway litter issues.

Chair Chirco directed staff to report back with a status report on the CalTrans volunteer contracts being renewed and include whether there is a decrease of litter on the ramps. The litter on the freeway ramps has been one of the most consistent complaints the council offices receive. Mr. Stanton suggested that staff provide information on stretches of highways that do or do not have volunteers adopting them.

Chair Chirco said that would be a good idea, then the council office could look and see what group(s) have adopted the highway that may be in their neighborhood. This may also assist in building partnerships and relationships.

She asked if staff has seen an increase in gang graffiti and added that she has heard from the Police Department that there has been an increase in gang activity. Mr. Stanton said the graffiti that gets reported is painted over quickly so it does not stay visible for long. Gang graffiti is reported more than other graffiti since it is a bigger problem. Staff has not seen an increase in gang graffiti, but it does flare up in different pockets of the City. Jim Holgersson added that at the Gang Prevention Task Force Meeting the Police Department reported that the City is in a cycle right now as many of the graffiti writers have been released from jail. Overall, it is not going up, but this is a challenging period.

Chair Chirco expressed congratulations to PRNS staff. San Jose is always looking for Best Practices and it is nice to know the City has quality Best Practice programs with the Anti-Graffiti and Litter Programs.

Public comment was heard from Ken Kelly of the Boynton Community Association in the Blackford Strong Neighborhoods Program. Mr. Boynton stated his community has noticed a lot of new gang symbols and wanted to know about the status of the gang identification reports. He asked if the gang tag identification has been kept current. Mr. Stanton said the AGLP office does not get every graffiti report. He has not heard that there is an increase of gang tags in the West San Jose area, but if called in, it is taken care of as quickly as possible. Mr. Stanton added that the AGLP program does not keep the status on gangs but if the information was submitted to staff it would be given to the proper Police Department area. Avo Makdessian added that the Police Department does know who is doing the new tagging. Mr. Holgersson suggested setting up a meeting with the Blackford SNI group and inviting an officer to share information.

Upon motion by Councilmember Campos, seconded by Councilmember Pyle, the Committee accepted the staff report.

c. **Parkland Dedication Ordinance and Park Impact Ordinance Follow-up Discussion (Parks, Recreation and Neighborhood Services)**

Scott Reese introduced Dave Mitchell and presented a short historical overview of ordinance performance and a review of the proposed amendment to the PDO and PIO.

Chair Chirco asked if, under private development where credit is given for recreational components, it applies to a sale as well as a rental. She encouraged staff to find a way of verifying that the amenities stay and continue to deliver on the credit given by the City. Mr. Reese stated that staff shares the concern regarding what defines a recreational amenity and how it's tracked once credit is given to ensure it is sustained over time.

Councilmember Campos asked if the funds on school sites could be used even if the land is leased 20 years in the future. In some communities where it is very dense, partnering with school districts is an option but it would not replace other communities where there are opportunities to purchase open space. Mr. Reese said that is correct. Staff will look at each individual prospect independently and create a prescription that would work based on the city, neighborhood and school district needs.

Councilmember Campos asked staff to elaborate on how a pocket park is determined versus a streetscape, and requested this information go to the council offices so they have an idea for planning future streetscapes. She asked if the Mayfair Community Center would be a good example with the street being closed down so that the space could be enhanced. Sara Hensley replied that it could qualify if it met the guideline of recreation that is open to the public.

Chair Chirco asked staff to explain the exemption for the downtown core from active recreational components to private recreational credits. Dave Mitchell explained that the downtown area has more high-rise buildings being proposed and built out to the limit of the property lines; and, therefore recreational elements are actually happening on different floors above where the structure is coming in over the parking garages. They would need to provide one of the four elements 1) tot lot; 2) game court areas, 3) open turf area of 8,000 sq. ft. minimum; or 4) picnic areas before they would get credit for swimming pools, spas, exercise and recreational rooms; or, if they dedicated actual parkland to the city. Staff doesn't see the ability of these projects, on very small acreages going up very high, as able to provide those recreational features. One way to assist in building these buildings is to exempt the active recreation for those facilities, then they would get credit for the pools, spas, etc. and would not have to try to mimic a neighborhood park facility on the fifth floor of their structure. Mr. Reese said it is a very special application. Mr. Mitchell added that these projects would still be subject to 50% of their obligation and would need to be paid in-lieu fees.

Chair Chirco asked if, since it is the downtown core that has the exemption, it's only high-rise buildings that cover lot line to lot line that means no public land for active recreational components. Mr. Mitchell clarified that originally the downtown core and the downtown frame areas were exempt from the PDO. Any of those projects coming in would be subject to not going through the active recreational element. Chair Chirco asked if, regardless of how much of the actual land the buildings covered, they would qualify for the exemption within the downtown core. Mr. Mitchell said they would.

Public comment was taken from Dale Warner, Jeff Dennison, Beverly Bryant, Kerrie Hamilton and Kathryn Mathewson.

Councilmember Campos requested follow-up on the concerns expressed below in the form of an informational memo to be distributed to Mayor, Council and speakers addressing the committee.

1. Continue to meet with HBA to facilitate their improved understanding of the concepts.
2. Respond to questions asked during the public comment period:
 - a. How much of the land donated to date has been developed.

- b. If the City has looked into the liability issues associated with developing and using school sites.
- c. If the proposal to allow credit for storm water detention areas mandate 50% credit or if the proposal is to give up to 50% credit.
- d. Address the statement made that the proposed changes to the PDO/PIO will divert funds from the intended purpose of the ordinances.

Mr. Reese stated that the handout titled: Turnkey Park Land Acquisition History and Turnkey Project Programs lists all of the projects that have been developed or are currently being reviewed. Also available is a document listing where the funds have been targeted since the inception of the program in 1988. Mr. Reese announced that the PDO/PIO proposed changes are calendared for discussion at the April 14 City Council Meeting.

The Committee accepted the staff report.

d. Discussion on Allowing Secondary Units in Neighborhoods (Housing)

Leslye Corsiglia, Director of Housing informed the Committee that Stephan Haase, Director of Planning, Building and Code Enforcement was attending a meeting in San Francisco. Ms. Corsiglia stated that the report on Secondary Units provides three options and a recommendation to the City Council. The City Council can decide to 1) continue 1984 findings; 2) allow secondary units citywide under certain parameters; or 3) develop a pilot project. Option number three is the recommendation to try a pilot project for secondary units before the City considers whether or not it is appropriate to look citywide if the findings should stay in place due to the impact of secondary units. Ms. Corsiglia stated public outreach meetings regarding secondary units covered general comments, code enforcement of existing illegal secondary units, the owner occupancy provision, parking and traffic, overcrowding and local control. The idea of secondary units has been raised in the Consolidated Plan. She added that completing the current process includes reporting to the Building Strong Neighborhoods Committee and Driving a Strong Economy Committee next week as a final step prior to the recommendation to council.

Councilmember Pyle said that on page six there are criteria listed that does not seem to be nearly enough. She wanted to know, regarding health and safety issues, about the requirements of those who would be renting the units. She asked if that might open the door for undesirable people renting the units and if there is anything to prevent the primary owner from moving into the secondary unit and renting out the primary residence. Ms. Corsiglia stated that if council decides to do a pilot program, staff would come back with complete parameters and selected neighborhoods that would provide an opportunity for input. Currently there is nothing to stop an owner of a house from renting. What staff has suggested is to have the owner on-site which may provide incentive to ensure they have a good tenant and the units are kept up.

Councilmember Pyle stated there is also concern about the number of units that have code violations and other problems. The offense has to be complaint-driven rather than sought after; and, with some units there needs to be control. Councilmember Pyle asked if there is any guarantee that the City is not going to end up with an increase of problems in reference to code violations.

Ms. Corsiglia said the code enforcement issues are a definite concern. Currently, even if the units are built appropriately up to code, they are illegal. Staff wanted to determine first whether or not they should be allowed. The issue that the City has is, regardless of whether or not housing is built, residents will be here and overcrowd the current housing and live in unsafe housing. Staff needs to provide as many opportunities as possible to ensure people are living in safe housing. The illegal units will need to be addressed to develop a program to respond to those units.

Chair Chirco asked if the pilot program would be in more than one area of the City. Ms. Corsiglia said the idea is to choose a part of the city that would have a chance to work and to see the impacts that people are concerned about. There could be more than one neighborhood, but staff wants see if council is willing to support the pilot program, and then the selection would be identified.

Councilmember Pyle asked what the size of the pilot project would be. Ms. Corsiglia replied that staff would pick a neighborhood or neighborhoods of the City, rather than a number of units, to see how it works.

Public comment was taken from Tiralisa Kaplow, Judy Hoffman, Richard Alvarez, Betty Kabanek, Phyllis Ward, and Richard Kabanek.

Chairperson Chirco stated that the secondary units report was a subject for discussion and it will be going to council, tentatively, on April 5, 2005.

Ms. Corsiglia added that the document being emailed to the neighborhoods is the same document being heard at the Building Strong Neighborhoods and Driving a Strong Economy committees.

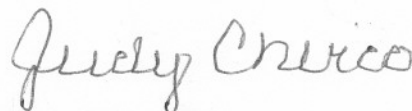
The Committee accepted the staff report.

e. **Oral Petitions**

None.

f. **Adjournment**

The meeting was adjourned at 3:06 p.m.



Judy Chirco, Chair
Building Strong Neighborhoods Committee